

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ANDRE WOODS,

Plaintiff,

v.

MONTGOMERY COUNTY

COMMISSION, et al.,

Defendants.

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Case No.: 2:16cv972-WHA-SRW
(WO)

ORDER

This case is before the court on the Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. # 22).

Plaintiff filed his original Complaint on December 16, 2016, to which Defendants filed a Motion to Dismiss, or in the Alternative, for More Definite Statement (Doc. # 9). The court granted the Motion, dismissed the Complaint without prejudice and allowed the Plaintiff to replead (Doc. # 13).

Plaintiff filed a First Amended Complaint on March 3, 2017 (Doc. # 14), to which the Defendants filed another Motion to Dismiss (Doc. # 15). Plaintiff filed a brief in response (Doc. # 18). On April 7, 2017, the court entered a Memorandum Opinion and Order granting the Motion and again allowing the Plaintiff to amend his Complaint (Doc. # 20).

On April 21, 2017, the Plaintiff filed his Second Amended Complaint (Doc. # 21). Defendants again moved to dismiss (Doc. # 22) and filed an extensive brief pointing out the legal bases for dismissal of each Count (Doc. # 23). The court entered an Order to Show Cause, if any there be, why the Motion to Dismiss should not be granted and gave the Plaintiff until May 22, 2017 to do so (Doc. # 24). Notice of the Order was electronically served on counsel for the

Plaintiff. No response showing cause why the Second Amended Complaint should not be dismissed has been filed by the Plaintiff.

The court takes the Plaintiff's failure to respond as a concession that the Motion to Dismiss is well taken and due to be granted. This is appropriate for the reasons set out in the brief of Defendants. In spite of this concession, however, the court has reviewed the file, the Motion and Brief in support, and the Second Amended Complaint and agrees, for the reasons set out in Defendants' brief.

Therefore, it is hereby Ordered that the Motion to Dismiss Plaintiff's Second Amended Complaint is Granted and the case is Dismissed with prejudice. Final Judgment will be entered accordingly.

DONE this the 12th day of June, 2017.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE